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ALEXANDER L. STEVAS
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No. 80, Original

IN THE

Supreme Court of the United States

October Term, 1977

STATE OF COLORADO, *Plaintiff*

v.

STATE OF NEW MEXICO
AND TONEY ANAYA,
ATTORNEY GENERAL OF THE STATE OF
NEW MEXICO, *Defendants*

MOTION TO LENGTHEN ORAL ARGUMENT

JEFF BINGAMAN
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Commission
Bataan Memorial Building, Room 101
Santa Fe, New Mexico 87503
(505) 827-2325

April 21, 1982

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MOTION TO LENGTHEN ORAL ARGUMENT

Comes now the defendant, State of New Mexico, pursuant to Rule 38(3) of the Rules of the Supreme Court of the United States, and hereby moves the Court to lengthen the time allowed for oral argument to one hour. In support thereof, New Mexico states:

1. The evidence presented to the Special Master consisted in large part of technical studies relating to basin discharge, stream flow, irrigation efficiency, and the divertible supply of water available to rights in New Mexico. While the Special Master made no specific findings or conclusions, his narrative statement of the evidence shows that he misconceived the importance of some of the evidence and misapplied the significance of other evidence.

2. The Special Master made his recommendation on the basis of his understanding of nine decisions of the Court, eight of which were equitable apportionment actions wherein the Court appointed a master to hear the evidence. The Special Master did not discuss the masters' reports in the cases to which he referred, which may account in part for his misunderstanding of the case decisions.

3. This original action is of great importance to the State of New Mexico in that an adverse decision resulting from the Court's adoption of the Special Master's Report would have a profoundly adverse impact upon the economy of Colfax County, New Mexico.

4. The decision of the Court in this case will establish an important precedent that will affect rights on interstate streams throughout the western United States.

5. One half hour does not provide enough time to explicate the factual misunderstandings and explain the reasoning beneath the Court's decisions in previous equitable apportionment actions.

WHEREFORE, the State of New Mexico moves the Court to extend its time for oral argument to one hour.

Respectfully submitted,

JEFF BINGAMAN
Attorney General of New Mexico

RICHARD A. SIMMS
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Special Assistant Attorneys General

New Mexico Interstate Stream Commission
Bataan Memorial Building, Room 101
Santa Fe, New Mexico 87503
(505) 827-2325

April 21, 1982

CERTIFICATE OF SERVICE

I, Jay F. Stein, hereby certify that I am a member of the bar of this Court and counsel of record for the defendants and that on April 21, 1982, pursuant to Rule 28 of the Rules of the Supreme Court of the United States, I caused to be mailed the requisite number of copies of the foregoing Motion to Lengthen Oral Argument, by first class mail, postage prepaid, to the following officials of the State of Colorado:

The Honorable Richard D. Lamm
Governor of the State of Colorado
136 State Capitol
Denver, Colorado 80203

The Honorable J. D. MacFarlane
Attorney General of the State
of Colorado
1525 Sherman, 3rd Floor
Denver, Colorado 80203

I certify that on April 21, 1982, pursuant to Rule 28 of the Rules of the Supreme Court of the United States, I caused to be mailed the requisite number of copies of the foregoing Motion to Lengthen Oral Argument, by first class mail, postage prepaid, to the following counsel of record:

Mr. Dennis Montgomery
Assistant Attorney General
Attorney General's Office
Natural Resources Section
1525 Sherman Street, 3rd Floor
Denver, Colorado 80203

Mr. Robert F. Welborn
Assistant Attorney General
Welborn, Dufford, Cook & Brown
1100 United Bank Center
Denver, Colorado 80290

I certify that all parties required to be served have been served.

Jay F. Stein

JAY F. STEIN
Special Assistant Attorney General